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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GUILD MORTGAGE COMPANY, a foreign
corporation,

Plaintiff,

v.

PRESTWICK COURT TRUST; CANYON
CREST MASTER ASSOCIATION, a not for
profit corporation

Defendants.

PRESTWICK COURT TRUST,

Counter-Claimant,

v.

GUILD MORTGAGE COMPANY, a foreign
corporation,

Counter-Defendant

Case No. 2:15-cv-00258-JCM-VCF

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTIONS
DEADLINE**

(First Request)

Defendant, Canyon Crest Master Association (“HOA”), Defendant, Prestwick Court Trust (“Prestwick”), and Plaintiff, Guild Mortgage Company (“GMC”) hereby stipulate to extend the dispositive motions deadline for sixty (60) days due to the substitution of HOA’s counsel on April 27, 2017.

This is the parties’ first request to extend the dispositive motions deadline.

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1 **I. FACTUAL BACKGROUND**

2 On February 12, 2015, GMC filed its complaint against HOA and Prestwick for quiet title
3 and declaratory relief. [ECF No. 1]. On April 27, 2017, the Court entered an order granting
4 HOA's Motion to Substitute Attorney, in which Christopher B. Anthony, Esq. of the law firm
5 of Boyack, Orme & Anthony became HOA's attorney of record.

6 **II. DISCOVERY COMPLETED TO DATE**

- 7 1. GMC, HOA, and Prestwick all produced their initial disclosures pursuant to
- 8 FRCP 26.
- 9 2. All parties have responded to written discovery.
- 10 3. FRCP 30(b)(6) Witness for Alessi & Koenig, LLC was deposed.
- 11 4. FRCP 30(b)(6) Witness for HOA was deposed.
- 12 5. FRCP 30(b)(6) Witness for Prestwick was deposed.
- 13 6. GMC disclosed its expert appraiser.
- 14 7. Prestwick disclosed its expert appraiser.

15 **III. DISCOVERY REMAINING TO BE COMPLETED**

16 None.

17 **IV. REASONS AND GOOD CAUSE TO EXTEND DEADLINE**

18 To establish good cause, one must show the party cannot reasonably meet the deadlines
19 despite the diligence of the party seeking the extension. *See Coleman v. Quaker Oats Co.*, 232
20 F.3d 1271, 1294-95 (9th Cir. 2000); *Mendez v. Fiesta Del Norte Home Owners Ass'n*, No. 2:15-
21 cv-314-RCJ-NJK, 2016 WL 1643780, at *3 (D. Nev. Apr. 26, 2016).

22 On April 27, 2017, the Court entered an order granting HOA's Motion to Substitute
23 Attorney, thereby appointing the law firm of Boyack Orme & Anthony as HOA's counsel of
24 record. The HOA was previously represented by Alessi & Koenig, LLC, which has thus far not
25 complied with the HOA's request for discovery and other documents issued prior to new
26 counsel's retention. Accordingly, the HOA requests additional time, such that it may obtain such
27 prior discovery and submit motion practice supported by all applicable evidence. Therefore, good
28 cause exists to extend the dispositive motion deadline, currently set on July 17, 2017, by sixty

(60) days to September 15, 2017.

V. PROPOSED SCHEDULE FOR CONDUCTING REMAINING DISCOVERY

- | | | |
|----|---------------------------------------|------------------------|
| a. | Initial expert disclosures: | NO EXTENSION REQUESTED |
| b. | Rebuttal expert disclosures: | NO EXTENSION REQUESTED |
| c. | Motions to amend pleadings/parties: | NO EXTENSION REQUESTED |
| d. | Discovery cutoff: | NO EXTENSION REQUESTED |
| e. | Deadline to file dispositive motions: | September 15, 2017 |

VI. CURRENT TRIAL DATE

No trial date has been set.

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VII. CONCLUSION

The parties believe good cause exists to extend the dispositive motion deadline.

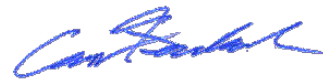
Dated this 14th day of July, 2017

IT IS SO STIPULATED

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LAW OFFICES OF MICHAEL F. BOHN, ESQ., LTD. <u>/s/ Michael F. Bohn</u> Michael F. Bohn, Esq. Nevada Bar No. 1641 376 E. Warm Springs Rd., Suite 140 Las Vegas, NV 89119 <i>Attorney for Defendant, Prestwick Court Trust</i>	

IT IS SO ORDERED

Dated this 1st day of August, 2017



UNITED STATES MAGISTRATE JUDGE